

SENATE BILL NO. 1144

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

5539S.011

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 140.170 and 140.190, RSMo, and to enact in lieu thereof two new sections relating to the sale of lands with delinquent property taxes.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 140.170 and 140.190, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 140.170 and 140.190, to read as follows:

140.170. 1. Except for lands described in subsection
2 7 of this section, the county collector shall cause a copy
3 of the list of delinquent lands and lots to be printed in
4 some newspaper of general circulation published in the
5 county for three consecutive weeks, one insertion weekly,
6 before the sale, the last insertion to be at least fifteen
7 days prior to the fourth Monday in August.

8 2. In addition to the names of all record owners or
9 the names of all owners appearing on the land tax book it is
10 only necessary in the printed and published list to state in
11 the aggregate the amount of taxes, penalty, interest and
12 cost due thereon, each year separately stated.

13 3. To the list shall be attached and in like manner
14 printed and published a notice of said lands and lots
15 stating that said land and lots will be sold at public
16 auction to discharge the taxes, penalty, interest, and costs
17 due thereon at the time of sale in or adjacent to the
18 courthouse of such county, on the fourth Monday in August

19 next thereafter, commencing at ten o'clock of said day and
20 continuing from day to day thereafter until all are
21 offered. **Such auction may also be conducted by electronic**
22 **media, including the internet, at the same time and at the**
23 **discretion of the county collector.**

24 4. The county collector, on or before the day of sale,
25 shall insert at the foot of the list on his or her record a
26 copy of the notice and certify on his or her record
27 immediately following the notice the name of the newspaper
28 of the county in which the notice was printed and published
29 and the dates of insertions thereof in the newspaper.

30 5. The expense of such printing shall be paid out of
31 the county treasury and shall not exceed the rate provided
32 for in chapter 493, relating to legal publications, notices
33 and advertisements, and the cost of printing at the rate
34 paid by the county shall be taxed as part of the costs of
35 the sale of any land or lot contained in the list.

36 6. The county collector shall cause the affidavit of
37 the printer, editor or publisher of the newspaper in which
38 the list of delinquent lands and notice of sale was
39 published, as provided by section 493.060, with the list and
40 notice attached, to be recorded in the office of the
41 recorder of deeds of the county, and the recorder shall not
42 charge or receive any fees for recording the same.

43 7. The county collector may have a separate list of
44 such lands, without legal descriptions or the names of the
45 record owners, printed in a newspaper of general circulation
46 published in such county for three consecutive weeks before
47 the sale of such lands for a parcel or lot of land that:

48 (1) Has an assessed value of one thousand five hundred
49 dollars or less and has been advertised previously; or

50 (2) Is a lot in a development of twenty or more lots
51 and such lot has an assessed value of one thousand five
52 hundred dollars or less.

53 The notice shall state that legal descriptions and the names
54 of the record owners of such lands shall be posted at any
55 county courthouse within the county and the office of the
56 county collector.

57 8. If, in the opinion of the county collector, an
58 adequate legal description of the delinquent land and lots
59 cannot be obtained through researching the documents
60 available through the recorder of deeds, the collector may
61 commission a professional land surveyor to prepare an
62 adequate legal description of the delinquent land and lots
63 in question. The costs of any commissioned land survey
64 deemed necessary by the county collector shall be taxed as
65 part of the costs of the sale of any land or lots contained
66 in the list prepared under this section.

 140.190. 1. On the day mentioned in the notice, the
2 county collector shall commence the sale of such lands, and
3 shall continue the same from day to day until each parcel
4 assessed or belonging to each person assessed shall be sold
5 as will pay the taxes, interest and charges thereon, or
6 chargeable to such person in said county.

7 2. The person or land bank agency offering at said
8 sale, **whether in person or by electronic media**, to pay the
9 required sum for a tract shall be considered the purchaser
10 of such land; provided, no sale shall be made to any person
11 or designated agent who is currently delinquent on any tax
12 payments on any property, other than a delinquency on the
13 property being offered for sale, and who does not sign an
14 affidavit stating such at the time of sale. Failure to sign

15 such affidavit as well as signing a false affidavit may
16 invalidate such sale. No bid shall be received from any
17 person not a resident of the state of Missouri or a foreign
18 corporation or entity all deemed nonresidents. A
19 nonresident shall file with said collector an agreement in
20 writing consenting to the jurisdiction of the circuit court
21 of the county in which such sale shall be made, and also
22 filing with such collector an appointment of some citizen of
23 said county as agent of said nonresident, and consenting
24 that service of process on such agent shall give such court
25 jurisdiction to try and determine any suit growing out of or
26 connected with such sale for taxes. After the delinquent
27 auction sale, any certificate of purchase shall be issued to
28 the agent. After meeting the requirements of section
29 140.405, the property shall be conveyed to the agent on
30 behalf of the nonresident, and the agent shall thereafter
31 convey the property to the nonresident.

32 3. All such written consents to jurisdiction and
33 selective appointments shall be preserved by the county
34 collector and shall be binding upon any person or
35 corporation claiming under the person consenting to
36 jurisdiction and making the appointment herein referred to;
37 provided further, that in the event of the death, disability
38 or refusal to act of the person appointed as agent of said
39 nonresident the county clerk shall become the appointee as
40 agent of said nonresident.

41 4. No person residing in any home rule city with more
42 than seventy-one thousand but fewer than seventy-nine
43 thousand inhabitants shall be eligible to offer to purchase
44 lands under this section unless such person has, no later
45 than ten days before the sale date, demonstrated to the
46 satisfaction of the official charged by law with conducting

47 the sale that the person is not the owner of any parcel of
48 real property that has two or more violations of the
49 municipality's building or housing codes. A prospective
50 bidder may make such a demonstration by presenting
51 statements from the appropriate collection and code
52 enforcement officials of the municipality. This subsection
53 shall not apply to any taxing authority or land bank agency,
54 and entities shall be eligible to bid at any sale conducted
55 under this section without making such a demonstration.

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